

## FINANCE DEPARTMENT

## REGULATIONS

The 6th November, 1968

No. 6157-2FR-68/747.—In exercise of the powers conferred by the provision to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana is pleased to make the following amendment in the Punjab Civil Services Rules, Volume II, as are applicable to Haryana Government employees, namely:—

(1) These rules may be called the Punjab Civil Services, Volume II (Haryana Fourth Amendment) Rules, 1968.

(2) In the Punjab Civil Services Rules, Volume II to Rule 2.2, the following Explanation shall be added, namely:—

“Explanation:—In this Article, the expression “Serious Crime” includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923) and the expression “grave misconduct” includes the communication or disclosure of any secret official code or pass-word or any sketch, plan, model, article, note, document or information, such as is mentioned in Section 5 of the said Act (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the General Public or the security of the State.”.

The 28th January, 1969

No. FD(DOL)69/St-6.—The Governor of Haryana is pleased to appoint the following persons, six of whom at a time will form a panel of Judges for the supervision of First Draw of the Haryana State Lotteries to be held on 30th January, 1969:—

1. Major General D.S. Brar, Chandigarh.
2. Shri H. C. Malik, I.A. & A.S., Examiner, Local Fund Accounts, Haryana, Chandigarh.
3. Shri S. R. Maini, I. A. S. (Retd), Sector 9, Chandigarh.
4. Mr. Justice K. L. Gosain (Retd), Chandigarh.
5. S.B.S. Balwant Singh, Chief Engineer (Retd), Chandigarh.
6. Brig. Mukhtar Singh, Koti No. 1019, Sector 19, Chandigarh.
7. Shri S. K. Sen Gupta, I.A. & A.S., Deputy Accountant-General (Admn), Chandigarh.

M.L. BATRA,

Commissioner for Planning and Finance, and Secy.

## LABOUR DEPARTMENT

## CORRIGENDUM

The 13th January, 1969

No. 349-2 Lab-69/1597.—In exercise of powers conferred by clause (a) of sub-section (I) of section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the Governor of Haryana is pleased to make the following amendment in the Haryana Government, Labour Department Notification No. 10545-2-Lab-68/30895, dated the 17th December, 1968, namely:—

- (i) Against serial No. 3 under caption ‘Government nominee’ for the words ‘Shri H. L. Mehta, Deputy Director of Industries, Haryana, Chandigarh,’ the words ‘Director of Industries, Haryana, Chandigarh or his Nominee’ shall be substituted; and
- (ii) Against Serial No. 3 under caption ‘Employers Representatives’ for ‘Shri Shankar Dass Kapur’ the name of ‘Shri N.P. Sinha, acting Factory Manager, the Atlas Cycle Industries Ltd., Jor Bagh, New Delhi’ shall be substituted.

The 21st January, 1969

No. 317-ASOIII-Lab-69/1413.—In exercise of the powers conferred under section 84 of the Factories Act, 1948, the Governor of Haryana is pleased to exempt the United Ballistics Research Laboratory, Rangarh, district Ambala, from the provision of sub-section 6 of section 79 of the said Act from the date of publication of the notification in the Official Gazette.

The 24th January, 1969

No. 544-ASOIII-Lab-69/2147.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Council of Haryana is pleased to publish the following award of the Presiding Officer, Labour

Court, Faridabad, in respect of the dispute between the workmen and the management of Rashtriya Steel and Metal Products, Bahadurgarh :—

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 65 of 1968

*between*

SHRI BALLU RAM, WORKMEN AND THE MANAGEMENT OF MESSRS RASHTRIYA STEEL AND METAL PRODUCTS, BAHADURGARH

*Present—*

Shri Onkar Parshad with Shri Lal Chand, claimant in person.

Nemo for the management.

#### AWARD

Shri Ballu Ram and Lal Chand were in the service of Messrs Rashtriya Steel and Metal Products, Bahadurgarh. It is alleged that their services were terminated without giving them any charge-sheet or prior notice. This gave rise to an industrial dispute and the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette notification No. ID/RK/26D 68/19291, dated 17th July, 1968.

Whether the termination of services of Sarvshri Ballu Ram and Lal Chand were justified and in order.  
If not, to what relief are they entitled ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen and the management filed their written statement. The case was fixed for further proceedings at Rohtak on 26th November, 1968. On the date fixed nobody appeared on behalf of the management although a registered notice under acknowledgement due was sent to the management. *Ex parte* evidence has, therefore, been recorded.

So far as the case of Shri Ballu Ram workman is concerned, it is not necessary to decide his case on merits because his representative has made a statement that Shri Ballu Ram has received a retrenchment compensation from the management and he has no other claim against them and he does not press for reinstatement.

As regards Shri Lal Chand workman he has appeared as his own witness in support of his case and has stated that he joined the respondent concern in 1963 but his services were abruptly terminated on 9th April, 1968, without giving him any charge-sheet or prior notice. Shri Lal Chand states that the reason given out for terminating his services was that he was not working properly. No opportunity to defend was however given to him. It cannot therefore be said that the termination of his services was justified and in order.

The management in their written statement have raised a number of technical pleas. It is pleaded that the dispute of the workman concerned was an individual dispute and not an industrial dispute and for this reason the reference was not competent and this Court has no jurisdiction. It is further pleaded that Loh Udyog Karamchari Sangh Regd., has no *locus standi* to represent the workmen in the dispute because this union did not represent the workman concerned at the relevant time. Section 2A of the Industrial Disputes Act under which a workman aggrieved by reason of the termination of his services can raise an industrial dispute is said to be *ultra vires* of the Constitution. The statement of claim filed on behalf of the workman is said to be vague.

I have carefully considered the above objection and in my opinion there is no substance in them. The objection that Section 2A of the Industrial Disputes Act is *ultra vires* cannot obviously be raised in this Court. The workmen have themselves raised the present dispute and Shri Onkar Parshad, General Secretary of the Loh Udyog Karamchari Sangh Regd., is simply representing the aggrieved workman in this case under the provisions of Section 36 of the Industrial Disputes Act, 1947, and he is perfectly entitled to do so. There is also no force in the objection that the statement of claim is in any manner vague.

In view of my decision above, it must be held that this Court has jurisdiction to adjudicate upon the reference made to it. The management in their written statement have pleaded that the workmen deserted their posts with effect from 9th April, 1968, but have led no evidence to substantiate this plea. As already observed Shri Lal Chand workman has affirmed on oath that his services were dispensed with on the plea that he was not working properly. The workman however admits that the respondent concerned has stopped working with effect from 22nd July, 1968. He can not therefore claim the relief of reinstatement. He is however entitled to his salary till 22nd July, 1968, and such other compensation to which he may be entitled under section 25 FFF of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Faridabad.

Dated 14th January, 1969.

No. 72, dated Faridabad, the 20th January, 1969

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,  
Presiding Officer,  
Labour Court, Faridabad.

Dated the 14th January, 1969.